

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building, Public Meeting Room
07/26/2021**

1. Call to Order: 6:04 p.m. by President Darlene Tussing.

2. Roll Call:

Members Present: Darlene Tussing, Steven Janzen, David Laufenberg, Pat Bradley, Rita Owens, and Lincoln Roberts

Members Virtual: April Gerth, Laurie Schmidt, Tamara Millican-Wood and Del Bieroth.

Members Absent: Jackie Lev

Staff Present: Alex Hogle (Planning Director) and Michelle Schriock (Planning Clerk)

Others Present: Josh Vujovich (North 40 Development), Judith Moilanen, Kevin Helling, Marc and Patricia Dingfelder, Bill Mercer and Dana Aymond.

Others Virtual: Steph Vujovich, Kristy Ranson (Town of Ennis), Lisa Roberts (Town of Ennis) and Connor (?)

3. Minutes:

- June 28, 2021

MOTION: To approve June 28, 2021 minutes with corrections. Moved by Laufenberg; and seconded by Janzen. Motion carried.

4. President's Comments: None

5. Opportunity for Public Comment for items not on the agenda: None

6. Statement of Conflict of Interest/Ex Parte Communications: None

7. Open Public Hearing: 6:07 p.m.

Public Hearing: EPP-21-01 North 40 Subdivision and PUD

Tussing read the Statement of Process of Rights: The review process is directed by state statute and procedural rules. Rules help guarantee the rights of all parties to be fairly heard and give the Board full opportunity to deliberate on the proposal.

Hogle requested Staff Report EPP-21-01 be placed on record. He reviewed the application for approval of Preliminary Plat and Planned Unit Development (PUD) of North 40 Subdivision Phase 6, which would subdivide three existing blocks/lots on 7.01 acres into eighteen 18 single family residential lots and fifteen multi-family residential lots to be developed with 10 duplex and 5 triplex structures for a total of fifty-three (53) residential units on thirty-three (33) lots. The multi-family buildings are anticipated to be declared as condominiums whereby independent units may be owned and conveyed separately. All lots are proposed to be served by existing municipal water and wastewater systems. Existing Parks 1 and 4 of North Forty Subdivision would be slightly modified. Accessed via Otis Ave., Hutchins Lane, Laura Lane, and Mountain

View Rd. from US Hwy 287, the site is located in the 'Residential-Town Density' zoning district within the Town of Ennis.

Planned Unit Development

Seeking certain modifications to the applicable design standards the project is proposed as a Planned Unit Development (PUD). The PUD's proposed modifications regard Sections IV-A-5-(d)(e)&(i) of the Madison County Subdivision Regulations (MCSR), to allow vehicular access/loading from alleys, customize 'alley' easements, and to allow for 'through lots'. The subject property is located within the Town of Ennis approximately 500 feet west of MT Hwy 287 along Otis Avenue between Hutchins Lane and the intersection of Mountain View Rd and Otis Ave.

Subdivision Design

- 1. Total Subdivision Acreage:** 7.01 acres
- 2. Acreage in Lots:** 6.86 acres
- 3. Acreage in Roads:** 2592 ft. (Yogi Street)
- 4. Open Space Acreage:** none proposed
- 5. Easements**

The preliminary plat indicates existing and proposed access and utility easements to serve the subdivision. In addition to the 60-foot Otis Ave and the western 20-foot alley easement which are both established and dedicated to the Town of Ennis, the plat depicts various proposed utility easements. An additional 5-foot alley access easement is proposed along the west subdivision boundaries to accommodate two-way traffic upon a 24-foot driving surface within the proposed combined 25-foot access and utility easement called Vujo Ave.

Public Comment Received 07/19/20 from Public Works Director Kelly Elser Hogle noted:

- Public works recommends water and sewer be required to be 'stubbed' to each separate lot and all roads and curbing be required to be repaired including all other phases of the North 40 Development. Hogle stated this was not reasonable or lawful to ask the applicant for this based on the pre-existing phases already approved.

The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria, pursuant to the Findings of Fact, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this PUD and Subdivision to the Ennis Town Commission, the conditions from the staff report should be considered to supplement that recommendation.

Planning Board Discussion

Gerth –The retention pond on Laura Lane, is this new? Vujovich – It is an existing established pond.

Gerth – An easement would need to be established. Vujovich – The 6' (foot) easement will be observed.

Gerth – Design of Laura Lane? Vujovich – There are established curbs and drainages and a storm water assessment has been done.

Gerth – Is there going to be 40' (feet) more of the park with the pond? Vujovich – This will be addressed with the Town of Ennis.

Continued discussion varied on topics of the 'alley' being only 25 feet, how does the new legislature affect any subdivision reviews, size of lots, sidewalks, water and sewer, housing for ADA, employee housing, mobile homes on lots, and numbers of units in the lots, ingress and egress and how the school and rodeo association feel about the subdivision being so close to boundary lines. Ultimately, Hogle advised the Board that they could deny this current application and have the applicant resubmit with more action and/or clarification on the varied subjects.

7:04 p.m. Open Public Comment

Marc Dingfelter – Concerned about number of vehicles for traffic and how many homes? Hogle – 53 residential units.

Will these be single-story homes? Hogle – depends on future owner designs .

Septic and water concerns and ability to handle extra homes? Hogle - lots are served by sewer system not by individual septic systems. Adequate service at this time.

This was previously an airstrip, is there any contamination or fuel spills reported? Hogle – none noted.

Tussing – Advised that the Planning Board is an advisory board for the Town of Ennis and the Board would forward their recommendations to the Town of Ennis regarding any concerns noted during tonight's meeting.

7:21 p.m. Close Public Comment

Bradley – Concerned that the Planning Board's decision affects Ennis and as a Planning Board member she is concerned about making decisions that are ultimately up to the town of Ennis. Lisa Roberts – Yes that is correct that the end decision is up to the Town. Hogle noted that for the time being, the Town has been using the Ennis zoning amendments for consideration.

Laufenberg – Any speed bumps being planned or lower speed limit signs? Hogle – low speed limits and no speed bumps.

Millican-Wood – Is a PUD being applied for? Hogle – yes as a subdivision with a PUD component and suggested the Board adopt the Findings of Fact (FOF), actions on FOF, actions on Conditions of Approval (COA) and action on Planned Unit Development (PUD).

Millican-Wood – How many more phases? Vujovich – Lot 3 under contract so this is it.

Schmidt – What is the analysis on how this development met PUD requirements? Hogle – a PUD doesn't always have an environmental trade off and there are unique types of PUDs.

Schmidt – Advance 3 criteria with N/A's? Hogle – Advance three (3) of the five (5) criteria referring to the staff report page 12 Finding #21.

Laufenberg – A condition could be to make the lots smaller and road larger?

Gerth – Half roads are prohibited in the Subdivision Regulations. Hogle – It's not recognized as a half road. The travel way will feel like a regular roadway and is in Residential Town Density (RTD) zoning and no comment has been received from the Office of Emergency Management (OEM) or Emergency Medical Services (EMS).

Roberts – Suggested that the Board look at this because it could become problematic due to the new legislation and the Planning Board already approved Phase 5 and Phase 6 is similar.

Hogle – Referred the Board to the MCA 76-3-621 Park Dedication Requirements regarding page 6 of the staff report.

Bradley – Can Finding #21 be amended and due to zoning, does this affect PUD? Hogle – said it was not advisable to go against zoning implemented by the Town of Ennis.

Hogle – Reviewed the PUD definitions in the Madison County Subdivision Regulations.

Hogle – Suggested page 12 of Staff Report **Finding #21** to read as:

The requested North 40 Subdivision Phase 6 PUD includes three proposed modifications from the design and development standards of the regulations. The proposed narrative demonstrates a dense block style residential development which for this proposal may be viewed as dense and clustered development, with compliant interspersed parkland which was previously dedicated within the North 40 Development, which satisfactorily addresses three (3) of the applicable special requirements established in Section IV-B-7(a) MCSR.

MOTION: Moved by Bradley to adopt Findings of Fact for EPP-21-01 North 40 Subdivision and PUD with modified language to Finding #21 and seconded by Owens. Motion carried 6-2.

MOTION: Moved by Janzen to recommend EPP-21-01 North 40 Subdivision & PUD Conditions of Approval as modified by the Planner to the Ennis Town Commission; seconded by Roberts. Motion carried 6-2.

Close Public Hearing 9:00 p.m.

Open Public Hearing 9:07 p.m.

Public Hearing: ECUP-21-02 Clark Avenue Mixed Use Moilanen Block 4 Love Addition to Ennis

Tussing read the Statement of Process of Rights: The review process is directed by state statute and procedural rules. Rules help guarantee the rights of all parties to be fairly heard and give the Board full opportunity to deliberate on the proposal.

Hogle requested that Staff Report ECUP-21-02 be placed on record. A request from Judith Moilanen of the Moilanen Family Credit Shelter Trust for a conditional use permit regarding a mixed use multi-family residential and commercial project on the subject property. The property is located within the incorporated area of the Town of Ennis and is zoned '*HC Highway Commercial*'.

A variance request and Conditional Use Permit (CUP) request were submitted to the Town of Ennis on April 16, 2021. Initial dialogue between the applicant and Ennis Zoning Administrator had focused on review applicability – the subject property contains eight (8) undeveloped lots in the HC (Highway Commercial) Zoning District, and the district setbacks would completely cover the buildable area, therefore it was determined a Variance was needed to be obtained. The Conditional Use Application was provided to the Madison County Planning Department for processing as a Conditional Use Permit requiring review by the Planning Board. The CUP review was awaiting results of the Variance, however, administration of the Variance request stalled due to the fact the Town did not have a Board of Adjustment established, which is the necessary body to review a Variance request. Within the Town of Ennis, the subject property consisting of eight undeveloped Lots under single ownership is located along the north side of Clark Avenue between MT Hwy 287 N. and Pearl Street.

The currently undeveloped property is located within the Town of Ennis HC (Highway Commercial) Zoning District which is a district intended to "To accommodate concentrations of highway oriented business development in areas abutting arterial thoroughfares. These areas are intended to primarily serve automobile oriented trade requiring parking, loading and storage areas generally incompatible with the downtown core area. The HC district is not intended to permit uses that are directly competitive with and destructive to the success of businesses in the core commercial/residential district." Within the HC district, the use of property for single or multi-family residential use requires the issuance of a CUP. Regarding bulk and dimensional requirements of the HC district (i.e. minimum lot size, density, setbacks, and building height), the table in Section 11-3-4 EZR indicates minimum Lot Area is 1 acre, Front Yard setback is 50 ft., Side and Rear Yard setback is 25 ft., Minimum Street Frontage is 100 ft., and maximum Building Height is 40-feet. Adjacent properties to the north and south are similarly zoned HC with the parcel to the north being developed with a commercial business use (Sportsman's hotel and restaurant) and the parcels to the south being undeveloped. Adjacent properties to the west across Pearl Street are zoned R-TD Residential Town Density within the North Forty development. Adjacent property located to the east across Highway 287 N is similarly zoned HC and is developed with the Madison Valley Hospital.

The subject property currently consists of seven lots fronting Clark Avenue, with Lots 1 and 2 fronting MT Hwy 287 and Lot 8A fronting Pearl Street. The application indicates the proposal for a phased mixed-use project whereby the first phase would be development of two duplex residential structures to be situated in the central area of the subject property. Subsequent development would focus on commercial uses flanking the residential uses with one retail use on the western end of the project and two commercial/office uses situated east of the residential uses.

The three commercial structures are contemplated with a 'potential office/apartment above' in the hope to offer the possibility of a live/work potential for the future tenants.

- Each planned residential and commercial building has planned driveway and off-street parking. Commercial parking areas have 22-ft. driveways and driving aisles, and are planned with proposed concrete sidewalks for pedestrians.
- Each planned residential and commercial building would connect to Town of Ennis public water and sewer services. The existing sewer line and manholes are shown, and there is some question as to the location of existing water service.
- Proposed front side and rear setbacks which vary across the site and differ for each structure. Based on Lot dimensions the HC setbacks (50 ft. - front, 25 ft. - side and rear) would severely limit reasonable use of the Lots. As currently proposed side yard setbacks would be no smaller than the smallest side yard setbacks (5-ft) established in the zoning regulations.
- The proposal anticipates an amended plat which would serve to aggregate one Lot and adjust boundary lines on others such that each half of the residential duplexes would be situated on its own lot and could be conveyed and separately owned, and each commercial use would be situated on its own lot.

Gerth – Will there be improvements made to Clark Avenue? Hogle – not at this time.

Roberts – Would like to see sidewalks in this area. Moilanen – they are willing to do this.

9:44 p.m. Open Public Comment:

Lisa Roberts – Commented that sidewalks and landscaping should be part of the plan and would be supported by the Town's Growth Policy. Fantastic use of parcel.

9:47 p.m. Close Public Comment

Planning Board Discussion

Roberts – Again addressed sidewalks and landscaping. Hogle – that is addressed in the Conditions of Approval #6.

Motion to adopt ECUP-21-02 Findings of Fact. Moved by Janzen; and seconded by Laufenberg. Motion carried.

Motion to adopt ECUP-21-02 with addition of COA #15 – sidewalks on Clark Street. Moved by Roberts; and seconded by Janzen. Motion carried.

Close Public Hearing 9:51 p.m.

8. 2021 Legislative Activity Update

Hogle provided a 40-page summary handout of the different legislative actions that is still in 'raw language'. There are laws dealing with Exemptions, Expedited Reviews of 1st Minor Subdivisions (SB 51), currently the Planning Board functioning isn't affected but the Town of Ennis could be because of changes in zoning regulations.

- 9. Unfinished Business:** Subdivision Regulation Review Committee Update: Hogle gave an overview of work session #9 dealing with definitions of water bodies vs waterways, changes that need to be made and road standards. In August, the committee will present the Board the completed body of work to date. There will be one additional workshop before the meeting in August to finish road standards. After that work session, the committee and the Planning Board will be able to make a decision whether to have the Subdivision Regulations proceed to the public hearing process.

- 10. Monthly Report:** No concerns or questions noted.

11. Planning Board Member Reports:

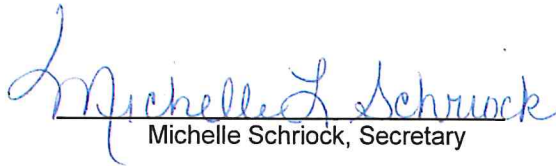
Janzen – Met with the city council in Twin Bridges on behalf of the school. They have a committee to work on city and school issues, lack of housing, VRBO and second homes.

12. Adjournment:

The meeting was adjourned at 10:33 p.m.



Darlene Tussing, President



Michelle Schriock, Secretary